

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JOSEPH S. BARONE

Plaintiff,

-against-

**12 CV 4103 (LAK)(MHD)**

UNITED STATES OF AMERICA, SPECIAL AGENTS  
MICHAEL GAETA, GREGORIO MICELI, AND MICHAEL  
TROMBETTA in their official capacities as agents of the  
Federal Bureau of Investigation and in their individual  
capacities,

**NOTICE OF CROSS-  
MOTION**

Defendants.  
-----X

PLEASE TAKE NOTICE that upon the accompanying Declaration of Mark A. Weissman dated January 29, 2015, and the memorandum of law dated January 29, 2015, Plaintiff Joseph S. Barone hereby cross moves this Court, before the Honorable Michael H. Dolinger, United States Magistrate Judge, in the United States Courthouse, 500 Pearl Street, New York, New York, for an Order (i) pursuant to Rule 6(e)(3)(E) of the Federal Rules of Criminal Procedure, unsealing and disclosing all materials and records of Grand Jury proceedings, including, but not limited to, testimony transcripts, charges, witness lists, and evidence, related to the case of *United States v. Joseph S. Barone*, No. 1:09-cr-00091-NRB, in the Southern District of New York, and the Indictment(s) returned therein; and (ii) granting such other and further relief as the Court deems just and proper.

Dated: New York, New York  
January 29, 2015

HERZFELD & RUBIN, P.C.  
*Attorneys for Plaintiff,*  
*Joseph S. Barone*

/s/ Mark A. Weissman  
Mark A. Weissman  
Lawton W. Squires  
125 Broad Street  
New York, New York 10004  
Tel: (212) 471-8500  
Fax: (212) 344-3333  
mweissman@herzfeld-rubin.com

To: Rebecca S. Tinio, Esq.  
Assistant United States Attorney  
Office of the United States Attorney for  
Southern District of New York  
86 Chambers Street  
New York, New York 10007  
*Attorneys for Defendants*